APPEAL NO. 023269
FILED FEBRUARY 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on December 3, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on _____, and that he did not have disability. The claimant appealed the hearing officer's injury and disability determinations on sufficiency of the evidence grounds. The respondent (carrier) filed a response urging affirmance.

DECISION

Affirmed.

The claimant testified that he injured his back at work lifting a heavy steel plate on _____, but that he continued to work in pain until April 29, 2002, when he was unable to tolerate the back pain. An MRI of the lumbar spine dated June 12, 2002, reflects "a 2 to 3-mm posterior annular bulge at L5-S1, not impacting neural structures." The claimant testified that he had been involved in three motor vehicle accidents in 1997, 1999, and on ____, 2002. The claimant contended that he had disability due to the resulting injury of _____, beginning on May 2 through August 31, 2002.

The disputed injury and disability issues in this case involved questions of fact for the hearing officer to decide. There was conflicting evidence presented on the disputed issues. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds to reverse the factual findings of the hearing officer.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **TRUCK INSURANCE EXCHANGE** and the name and address of its registered agent for service of process is

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_____
Thomas A. Knapp
Appeals Judge

CONCUR:

_____
Judy L. S. Barnes
Appeals Judge

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Susan M. Kelley
Appeals Judge